

Peace Preservation (Ireland) Bill.

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SCHEDULES.

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B I L L

TO

Amend "The Peace Preservation (Ireland) Act, 1856," and
for other purposes relating to the Preservation of Peace in
Ireland. A.D. 1870.

WHEREAS it is expedient to amend the "Peace Preservation (Ireland) Act, 1856," and to make further and better provisions for the protection of life and property in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Peace Preservation (Ireland) Act, 1870." Short title.

2. This Act shall apply to Ireland only, and shall continue in operation until the first day of August one thousand eight hundred and seventy-one. Limitation of Act.

3. In this Act—

The term "Lord Lieutenant" shall mean the Lord Lieutenant and the Lords Justices or other chief governors or governor of Ireland for the time being: General definitions.

The terms "chief secretary" and "under secretary" shall mean respectively the chief secretary and under secretary of the Lord Lieutenant of Ireland:

The term "chief officer of police" shall mean within the police district of Dublin metropolis, any one of the commissioners of police for the said district, and elsewhere any inspector, sub-inspector, head or other constable of the Royal Irish constabulary acting as chief officer of constabulary within any district or town:

The term "county" shall extend to and include county of a city, and county of a town, and a riding of a county:

The term "principal Act" shall mean the parts of the Act passed in the session of Parliament held in the eleventh and twelfth years of the reign of Her present Majesty, intituled "An Act for

[Bill 75.]

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A.D. 1870.

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- " the better prevention of crime and outrage in certain portions
 " of Ireland until the first day of December one thousand
 " eight hundred and forty-nine, and to the end of the then
 " next session of Parliament," which are continued by and are
 in force and operation under the Peace Preservation Act : 5
 The term " Peace Preservation Act " shall mean " The Peace
 Preservation (Ireland) Act, 1856," and the Acts amending and
 continuing the same now in force.
 The term " gunpowder " shall include gun-cotton and any other
 explosive matter used for the discharge of fire-arms. 10

PART I.

AMENDMENT OF PEACE PRESERVATION ACT.

Special definitions.

4. In Part I. and Part II. of this Act the terms following shall
 have the meanings hereinafter assigned to them respectively :

The term " proclaimed district " shall mean any county, county of 15
 a city, county of a town, or any barony or baronies, half barony
 or half baronies, in any county at large, or any district of less
 extent, to which the provisions of The Peace Preservation Act
 are declared to apply by proclamation under the said Act, so
 long as such proclamation shall be in force : 20

The term " notice " shall mean any notice published under the pro-
 visions of section eleven of the principal Act, requiring persons
 in a proclaimed district to deposit arms at a place therein named :

The term " arms " shall include any cannon, gun, revolver, pistol,
 or other fire-arm, or any part or parts of any cannon, gun, 25
 revolver, pistol, or other fire-arm, or any sword, cutlass, pike or
 bayonet, or any bullets, gunpowder, or ammunition.

Construction of Act.

5. Part I. of this Act so far as is consistent with the tenor thereof
 shall be construed as one with the Peace Preservation Act.

Persons having game licences also to have licence to have and carry arms.

6. Notwithstanding anything in the principal Act it shall not be 30
 lawful for—

Any person, although duly licensed to kill game, to carry arms,
 or, after notice, to have arms, in any proclaimed district, unless such
 person shall also have a licence granted to him under the Peace
 Preservation Act to carry and have arms in such district, or in 35
 some other proclaimed district ; or for—

Special licence to carry revolvers.

Any person to carry, or, after notice, to have any fire-arm of the
 description known as a revolver in any proclaimed district, although
 he shall have a licence granted to him under the Peace Preservation
 Act to carry or have arms within such district, unless such licence 40
 shall describe such fire-arm as a revolver and specially permit the
 carrying or having the same.

7. So much of section two of the Peace Preservation Act as enacts that the punishment to which parties are liable, on conviction, under the ninth and twelfth sections of the principal Act shall thenceforth be reduced from imprisonment for any period not exceeding two years, with or without hard labour, to imprisonment for any period not exceeding one year, shall be and the same is hereby repealed.

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Punishment
for carrying
or having
arms in
proclaimed
district.

Any person guilty of carrying or having arms contrary to the provisions of the said ninth and twelfth sections of the principal Act, or contrary to the provisions of the sixth section of this Act, or any of them, shall be liable on conviction thereof to be imprisoned, with or without hard labour, for any term not exceeding two years.

8. All the powers and provisions now in force of an Act passed in the Parliament of Ireland in the session of Parliament held in the fifteenth and sixteenth years of the reign of His late Majesty King George the Third, intituled "An Act to prevent and punish tumultuous risings of persons within this kingdom, and for other purposes therein mentioned," and also of another Act amending the same, passed in the Parliament of the United Kingdom in the second year of the reign of His late Majesty King William the Fourth, intituled "An Act to amend an Act passed in the Parliament of Ireland in the fifteenth and sixteenth years of the reign of His Majesty King George the Third, intituled 'An Act to prevent and punish tumultuous risings of persons within this kingdom, and for other purposes therein mentioned,'" shall extend and apply to every proclaimed district, and upon any trial or proceeding under the said last recited Acts, or either of them, it shall not be necessary to prove that any such district was at the time of the commission of any offence or offences against the said last recited Acts, or either of them, in a state of public or general disturbance, or insurrectionary movement, or that any such offence or offences, or the circumstances attending the same, was or were of an insurrectionary nature or character: Provided always, that the court or judge before which or whom any person or persons shall be tried for any offence against the provisions of section two of the said Act of the fifteenth and sixteenth years of the reign of His late Majesty King George the Third, where such offence has been committed at any time after sunset and before sunrise, or before the hour of six in the forenoon though the sun should be arisen, have power and authority to sentence such prisoner to penal servitude for any term not exceeding seven years.

15 & 16
Geo. 3. c. 21.
and 1 & 2
Wm. 4. c. 44.
to apply to
proclaimed
districts.

9. From and after the passing of this Act section fourteen of the principal Act shall be and the same is hereby repealed.

Repeal of
11 & 12 Vict.
c. 2 & 4.

(75.)

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Powers of
persons
acting under
search war-
rants.

10. It shall be lawful for any person to whom any warrant to search for and seize arms in any proclaimed district is directed, under the provisions of section thirteen of the principal Act, and for constables and other persons acting in their aid or assistance, within the space of *three* months next after the date of any such warrant, at such time and times and as often as they think fit to enter into any house or place, in order to execute such warrant, and in case admittance shall be refused to any such constables or persons as aforesaid, or shall not be obtained by them within a reasonable time after it has been first demanded, then to enter by force into such house or place in order to execute such warrant. 5 10

In pro-
claimed
districts
no dealer
shall sell
gunpowder
but to a
licensed
dealer or to
a person
licensed to
keep arms.

11. Every maker of or dealer in gunpowder, his agent or servant, shall, before selling or delivering any quantity of gunpowder to any person in any proclaimed district, require such person to produce a licence authorizing him to make, deal in, or sell gunpowder, or to have or carry arms, or in case such gunpowder shall be wanted for the purpose of mining or blasting, a certificate, under the hands of one or more justices of the peace, that such gunpowder is to be applied to such purpose, and in the case of gunpowder required for mining or blasting there shall be endorsed on such certificate by the person selling or delivering the same, the quantity so sold or delivered, and the time of sale, and such person shall sign his name thereto; and if any maker of or dealer in gunpowder, his agent or servant, shall sell or deliver any quantity of gunpowder to any person without the production of such a licence or certificate, or shall neglect to endorse on such certificate the quantity so sold or delivered and the time when, and to sign his name thereto, he shall for the first such offence be liable to a penalty not exceeding *five* pounds, and for any second offence he shall be liable to a further penalty not exceeding *ten* pounds. 15 20 25 30

In pro-
claimed dis-
tricts arms to
be sold, &c.
only to
persons
licensed to
have arms.

12. It shall not be lawful for any person in a proclaimed district to sell to, or to make, mend, repair, or keep for any person not duly licensed to have arms any gun, revolver, pistol, or other fire-arm, or any part thereof; and if any person shall sell, make, mend, repair, or keep any gun, revolver, pistol, or other fire-arm, or part thereof, contrary to the provisions of this Act, every such offender shall be liable to a penalty not exceeding *fifty* pounds. 35

In pro-
claimed
districts
where felony
committed
justices may
summon
persons sus-
pected of

13. Where in any proclaimed district any felony, or misdemeanor has been committed, any justice of the peace in such district, although no person may be charged before him with the commission of such offence, shall have full power and authority to summon any person within his jurisdiction who, he shall have reason to believe, is capable of giving material evidence concerning any such felony 40

or misdemeanor, and to examine such person on oath concerning any such felony or misdemeanor, and, if he shall see cause, to bind such person by recognizance to appear and give evidence at the next petty sessions, quarter sessions, or assizes. And in case any person who shall be summoned for that purpose shall neglect or refuse to appear or shall refuse to take such oath, or having taken such oath shall refuse to answer such questions concerning the said felony or misdemeanor as shall then be put to him, or shall refuse to enter into such recognizance, such person may be dealt with in the manner provided by section thirteen of The Petty Sessions (Ireland) Act, 1851, in the case of a witness to whom a summons was issued and who neglects or refuses to attend or who refuses to give evidence or be bound by recognizance so to do.

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being capable of giving evidence in relation to such offence, and punish persons refusing to give evidence.

Every summons under this section may be in the Form (I.) in the schedule (A.) to this Act annexed or to the like effect.

14. Where any person in a proclaimed district shall be charged with any offence contrary to the provisions of sections nine and twelve of the principal Act, or of section six of this Act, or of any of them, the admission to bail of such person shall be subject to the like conditions as the admission to bail under section sixteen of The Petty Sessions (Ireland) Act, 1851, of persons charged with any of the offences specified in sub-section one of the said section.

Persons charged with carrying or having arms may in certain cases be admitted to bail.

15. Whenever any information in writing and on oath is made before a justice that there is reasonable cause to suspect that any threatening letter or threatening notice, as the same is defined in the schedule (C.) to this Act annexed, was written by any particular person, and that there is to be found in any house or other place belonging to or under the control of such person in a proclaimed district, any document in his handwriting, it shall be lawful for such justice to issue a warrant to search such house or place for such document; and every such warrant shall be in the Form (II.) in the schedule (A.) to this Act annexed or to the like effect, and shall be directed to and executed by the like parties, and in like manner, and subject to the like conditions in every respect, so far as the same are applicable, as if the same were a warrant to search issued under "The Summary Jurisdiction (Ireland) Act, 1851."

Power to issue warrant to search in proclaimed district for documents in handwriting of persons suspected of writing threatening letters.

PART II.

Special Proclamations.

16. Whenever in the judgment of the Lord Lieutenant, by and with the advice of the Privy Council of Ireland, it is necessary for the better prevention of crime and outrage that the provisions of

Provisions of this part of this Act to apply to

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proclaimed
districts
when special
proclamation
issued by
Lord Lieut-
enant.

this part of this Act shall apply to any proclaimed district, it shall be lawful for the Lord Lieutenant, by and with the advice of the said Privy Council, to declare by proclamation, in this part of this Act called a special proclamation, to be published in the Dublin Gazette, that from and after a day to be named therein, the provisions of this part of this Act shall be in force within the same; and thereupon such district shall be a district specially proclaimed within the meaning of this part of this Act: Provided always, that it shall be lawful for the Lord Lieutenant, by a new proclamation, to be made by and with the advice of the Privy Council of Ireland, to be published in the Dublin Gazette, to revoke any special proclamation issued under this part of this Act, as to the whole or any part of the district named in such special proclamation; and thereupon such special proclamation shall, from and after a day to be named in such new proclamation, stand and be revoked, so far as such new proclamation shall purport to revoke the same.

Printed
copies of
every special
proclamation
to be
posted.

17. Printed copies of every special proclamation issued under the authority of this part of this Act, shall be posted in the manner prescribed by the Peace Preservation Act, in relation to the posting of proclamations issued under the provisions thereof, and at the foot of every copy of any such special proclamation so posted as aforesaid an abstract of the provisions of this part of this Act shall be printed for the information of all persons affected by the said enactments.

Production
of Dublin
Gazette con-
taining pub-
lication of
any special
proclama-
tion to be
conclusive
evidence of
facts, &c.

18. The production of a printed copy of the Dublin Gazette, purporting to be printed and published by the Queen's authority, containing the publication of any special proclamation, under this part of this Act, shall be conclusive evidence of all such facts and circumstances as were or shall be necessary to authorise the issuing of any such special proclamation; and every such special proclamation shall be deemed and taken in all such courts respectively, to all intents and purposes whatsoever, to have been issued in conformity with this part of this Act.

Copy of
special pro-
clamation to
be laid before
Parliament.

19. A copy of every special proclamation issued under the authority of this Act shall be laid before each House of Parliament within fourteen days of the date of the same, if Parliament be then assembled, and if not then within fourteen days of the next subsequent meeting of Parliament.

Arrest of Persons out at Night under suspicious Circumstances.

Power to
arrest per-
sons in dis-
tricts specially

20. It shall be lawful for any justice of the peace to arrest and bring before him, or cause to be arrested or brought before him, or for any constable, peace officer, or other person to arrest

and bring before any justice of the peace any person who, within any district specially proclaimed and under suspicious circumstances, shall be in the fields, streets, highways, or elsewhere out of his dwelling or place of abode at any time from one hour after sunset
 5 until sunrise, and any such justice may order such person to be brought or appear before the justices of the peace assembled at the next petty sessions for the district in which such person was arrested, and may in the meantime commit such person to gaol or admit him to bail as to such justice shall seem fit, and the justices
 10 at such petty sessions assembled shall examine the person so brought or appearing before them, who shall in such case be a competent witness, and shall examine such other witnesses and receive such evidence as may be brought before them touching the charge, and unless it is proved to their satisfaction that such person was out of
 15 his house upon his lawful occasion or business, such justices may commit him to gaol, there to be imprisoned with or without hard labour for any period not exceeding six calendar months.

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 proclaimed :
 found out at
 night under
 suspicious
 circum-
 stances.

Closing of Public Houses by order of Lord Lieutenant.

21. It shall be lawful for the Lord Lieutenant by order in
 20 writing, to be signed by the Chief or Under Secretary, whenever he thinks fit to direct that any person who keeps any house or place in any district specially proclaimed for the sale of wine, spirits, ale, beer, or cyder by retail and to be drunk on the premises, shall, during the period specified in such order, close such house or place at sun-
 25 set or at such time after sunset as shall be specified in such order; and every such order shall be served upon the person to whom the same is directed by delivering to him a copy of such order, or if he cannot be conveniently met with by leaving such copy at the house or place to which such order relates; and any person upon whom
 30 such order shall be served, and who shall keep open such house or other place in violation of such order, shall on conviction be liable to a penalty not exceeding fifty pounds, and to imprisonment for any period not exceeding three months.

Power to
 Lord Lieut-
 enant by
 order to close
 public-houses
 in districts
 specially
 proclaimed.

Power to arrest Strangers.

22. It shall be lawful for any justice of the peace to arrest and
 35 bring before him, or cause to be arrested or brought before him, or for any constable, peace officer, or other person to arrest and bring before any justice of the peace, any stranger sojourning or wandering in any district specially proclaimed, and to examine him on oath
 40 respecting his place of abode, the place from whence he came, his manner of livelihood, and his object or motive for remaining or coming into the county, city, or town in which he shall be found, and unless he shall answer to the satisfaction of such justice, or produce

Power to
 arrest
 strangers
 in district
 specially
 proclaimed.

A.D. 1870. sufficient security for his good behaviour, such justice shall commit him to gaol, there to remain until he shall find such security as aforesaid, or until he shall be discharged by such justice: Provided always, that such justice shall, without delay, after such committal, transmit to the Lord Lieutenant, a true and faithful report of such 5 committal, and the grounds and reasons thereof, the amount of bail required, with the examination of the prisoner, and the reasons alleged by him why he should not be committed; which such justice is required to take down in writing, in order that such person may be detained or discharged, as to the Lord Lieutenant may seem right. 10

Summary Proceedings in certain Cases.

23. When any person is charged in any district specially proclaimed before any justices of the peace assembled at petty sessions with any offence contrary to any of the enactments specified in Part I. of the schedule (B.) to this Act annexed, it shall be lawful 15 for such justices, if they so think fit, to hear and determine the charge in a summary way, and if the person charged shall confess the same, or if such justices, after hearing the whole case for the prosecution and for the defence, shall find the charge to be proved, then it shall be lawful for such justices to convict the person charged, and 20 commit him to gaol, there to be imprisoned, with or without hard labour, for any period not exceeding six calendar months; and if they find the offence not proved they shall dismiss the charge, and make out and deliver to the person charged a certificate under their hands, stating the fact of such dismissal; and every such con- 25 viction and certificate respectively may be in the Forms (III.) and (IV.) in the schedule (A.) to this Act annexed, or to the like effect: Provided that if such justices are of opinion that the charge, from any circumstances, should be made the subject of prosecution by indictment, rather than be disposed of summarily, such justices shall, 30 instead of summarily adjudicating thereon, deal with the case in all respects as if this Act had not been passed. If upon the hearing of the charge such justices shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, they shall have power to dismiss the person 35 charged, without proceeding to a conviction.

Every person who obtains a certificate of dismissal or is convicted under this Act shall be released from all further or other criminal proceedings for the same cause.

Persons
accused may
have assist-
ance of
counsel, &c.

24. In every case of summary proceeding under this Act the 40 person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined by counsel or attorney.

25. Any magistrate appointed to act at the police courts of the police district of Dublin metropolis, and sitting at a police court within the said district, or any stipendiary magistrate sitting in petty sessions, may do alone all acts by this part of this Act authorized to be done by justices of the peace at petty sessions.

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Any metropolitan police magistrate or stipendiary magistrate may act alone.

Where any justices of the peace at petty sessions are by this part of this Act authorized to do any act, such act may be done by any two or more of such justices, provided always that one of such justices shall be a stipendiary magistrate.

10

Change of Venue.

26. Where any indictment found in any county specially proclaimed shall be removed by Certiorari into Her Majesty's Court of Queen's Bench at Dublin, and issue shall be joined on such indictment, the said court or any judge thereof in term time or in the vacation, shall, upon the application of Her Majesty's Attorney General for Ireland in that behalf, order a suggestion to be entered upon the record directing such issue to be tried in any county to be named in that behalf by the said Attorney General, and specified in such suggestion other than the county in which such indictment was found, and such suggestion may be in the form (V.) in the schedule (A.) to this Act annexed or to the like effect, and shall have the same force and effect as any suggestion by which if made on the record the issue joined on any such indictment might now by law be tried in a county other than the county in which such indictment was found, and thereupon all proceedings may be taken according to the practice of the said court for the trial of the person charged in such indictment, and such person may be tried, in the county in that behalf specified in such suggestion, and such proceedings and trial, and every verdict given at such trial, and any judgment thereon, shall be valid and effectual to all intents and purposes as if such person had been tried in the county in which the offence charged in such indictment was committed.

Venue may be changed on suggestion of Attorney General.

In case of any such indictment so removed as aforesaid the days or times allowed or required according to the practice of the court for appearing or pleading, or in any notice of motion or in any writ of Habeas corpus, or in or for any other step or proceeding relating to such indictment shall run in vacation as well as in term time, and any order may be made in reference to such indictment or the proceedings thereon by the said Court of Queen's Bench, or by a judge thereof in vacation as well as in term time.

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PART III.

GENERAL PROVISIONS.

Newspapers.

Newspapers
containing
treasonable
or seditious
matters, &c.
forfeited to
Her Majesty.

27. Where any newspaper printed in Ireland contains any treasonable or seditious engraving, matter, or expressions, or any 5 incitements to the committing of any felony, or any engraving, matter, or expressions having a tendency to foster, encourage, or propagate treason or sedition, or to incite to the committing of any felony, all printing presses, engines, machinery, types, implements, utensils, paper, and other plant and materials used or employed or 10 intended to be used or employed in or for the purpose of printing or publishing such newspaper, or found in or about any premises where such newspaper is printed or published, together with all copies of such newspaper, wherever found, shall be forfeited to Her Majesty. 15

Where any newspaper printed elsewhere than in Ireland is circulated in Ireland, and contains any such engraving, matter, expressions, or incitements as aforesaid, all copies of such newspaper wherever found shall be forfeited to Her Majesty.

Power to
Lord Lieu-
tenant to
issue war-
rant to
search for
and seize
newspapers,
printing
presses,
types, &c.

28. Where it appears to the Lord Lieutenant that any newspaper 20 printed or circulated in Ireland contains any such engraving, matter, expressions, or incitements, as aforesaid, he may, by warrant under his hand in the form (VI.) in the schedule (A.) to this Act annexed, or to the like effect, empower any person or persons to whom such warrant is addressed, or his or their assistants, to enter upon any 25 premises where the newspaper specified in said warrant, and containing such engraving, matter, expressions, or incitements as aforesaid, is printed or published, or where any printing press, engine, machine, types, implements, utensils, paper, or other plant or materials suspected to be, or to have been used for the printing 30 or publishing of such newspaper as aforesaid shall be, or shall be suspected to be, or where any copy of such newspaper as aforesaid is sold, distributed, or published, or suspected to be sold, distributed, or published, or kept or deposited for sale, distribution, or publication, 35 or suspected to be kept or deposited for sale, distribution, or publication, and to search for, seize, and take away such printing presses, engines, machines, types, papers, implements, utensils, and plant, and every copy of such newspaper as aforesaid; and no action, save as herein-after mentioned, shall be brought or maintained against any person for the issuing of such warrant, or for any entry, search, 40 or seizure, or other act, matter, or thing done in pursuance or under the authority of any such warrant as aforesaid.

29. Where any person duly authorized by warrant, as aforesaid, to enter any premises, or his assistants, shall demand admittance, and give notice of such warrant, and the door of any house, room, shop, warehouse, outhouse, building, or other premises shall not be opened within reasonable time after the making of such demand, it shall be lawful for any such person, or his assistants, to break open such door, and to enter thereat, for the purpose of making such search or seizure as aforesaid, and if any person shall refuse to permit any person duly authorized in that behalf, or his assistants, to enter such premises for the purpose of making any such search or seizure, or shall resist, obstruct, molest, prevent, or hinder any such person, or his assistants, as aforesaid, in the making of any such search, or in the seizing or taking away of any goods, chattels, articles, matters, and things which may be lawfully seized, or otherwise in the execution of any warrant under this Act, such person shall be deemed guilty of assaulting or wilfully resisting or obstructing a peace officer in the due execution of his duty, and on conviction shall be punished accordingly.

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Power to enter premises to execute warrant.

30. Where any person, who but for the provisions of this part of this Act would be entitled to maintain an action for any search or seizure made under the authority of a warrant under this part of this Act, feels aggrieved by any search or seizure made under the authority of any such warrant, he may within *fourteen days* after such search or seizure commence an action in any of Her Majesty's Superior Courts of Common Law at Dublin against the person or persons to whom such warrant is addressed, or any of the assistants of such person or persons, and may claim damages on the ground that such search or seizure was illegal, because the newspaper specified in such warrant and in reference to which such search or seizure was made did not contain any engraving, matter, expressions, or incitements, by reason of which such newspaper was forfeited to Her Majesty under the provisions of this part of this Act; and the defendant in such action may plead in defence to such action the defence in the schedule (C.) to this Act annexed, or a defence to the like effect; and such action shall, except as is herein specially provided, be prosecuted, tried, and determined in every respect as any other action of tort brought in any of the said superior courts; and any copy or copies of the said newspaper published before the search or seizure complained of may be given in evidence by the defendant in proof of the nature or tendency of the engraving, matter, expressions, or incitements used in the said newspaper, in reference to which the search or seizure complained of was made; and in the event of the jury finding that such newspaper did con-

Action in case of illegal search or seizure.

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tain any such engraving, matter, expressions, or incitements as aforesaid, the defendant shall be entitled to a verdict, and to his costs of suit; and if they shall find that such newspaper did not contain any such engraving, matter, expressions, or incitements as aforesaid the plaintiff shall be entitled to a verdict, and to such 5 damages as may be lawfully awarded by the jury, together with his costs of suit according to the practice of the court applicable to such an action; and where any such verdict shall pass for the plaintiff there shall be paid to the plaintiff out of the Consolidated Fund of the United Kingdom the damages awarded him, together with his 10 costs of suit.

Forfeitures under this part of this Act to be in addition of other penalties.

Term "newspaper."

31. All forfeitures incurred under this part of this Act shall be in addition to, and not in derogation of, any other penalty or punishment to which the proprietor of any newspaper may be subject under any other Act or at common law.

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32. The term "newspaper" in this part of this Act shall include two or more copies of a newspaper bearing the same name, whether published on the same day or on different days.

Regulations as to Gunpowder and Fire-arms.

No person not licensed as a manufacturer shall sell gunpowder without a licence for that purpose.

33. It shall not be lawful for any person, not being duly 20 licensed to manufacture gunpowder to deal in or sell gunpowder by retail or otherwise in Ireland, unless he shall have obtained a licence for that purpose from the Lord Lieutenant, or the chief or under secretary; and no such licence shall be granted without a certificate, under the hands and seals of two or more justices of the peace in 25 petty sessions assembled for the district within which such person shall carry on such trade, in the form in the schedule to this Act annexed, that such person is a proper person to obtain the same, and that his stores are secure and fit for the purpose of keeping gunpowder; and any person who shall sell gunpowder, by retail or 30 otherwise, without being licensed for that purpose, or without being licensed to manufacture gunpowder as aforesaid, shall for every such offence be liable to penalty not exceeding fifty pounds, and all gunpowder, and every cask or vessel in which the same shall be contained, found in the possession of, or in any house or other place belonging 35 to such person, shall be forfeited to the use of Her Majesty.

Gunpowder makers and dealers, within thirty days after commencement of Act, and afterwards

34. Every maker or manufacturer of gunpowder, and every person dealing in or selling the same, in Ireland, shall within thirty days after the passing of this Act return an account to the chief officer of police in the district in which he resides of all the stock of gun- 40 powder then in his possession, describing the place or places where the same is kept, and the packages containing the same, and shall

provide a book in which such quantity shall be entered, and shall from time to time, in the first week of every calendar month, make or cause to be made a like return and like entry; and every such maker or manufacturer or dealer in gunpowder, by wholesale or
 5 retail, shall also enter or cause to be entered in a separate book to be by him for that purpose provided, and distinguished by the name of "the book of sales," an account of every parcel of gunpowder sold or disposed of or delivered, with the time when and to whom; and it shall be lawful for any justice of the peace, or any
 10 chief officer of police, or any person duly authorized by such justice or officer, at all reasonable times to have access to such books, and to examine the stock of such maker or seller of gunpowder, and compare and balance the same with the account kept in such books; and the several chief officers of police (except the chief
 15 officers of police within the police district of Dublin metropolis), to whom such accounts and returns shall be rendered, shall, from time to time, transmit the same to the inspector general of constabulary in Ireland as they may be by him directed; and if any such maker or manufacturer of, or dealer in, gunpowder shall not
 20 make such returns, or shall not truly make the same, or shall not keep such books, or shall not truly make, or cause to be made, such entries therein, or shall not, after demand, produce such books to any person hereby or by the said persons duly authorized as aforesaid, or shall not permit any such person to inspect the same,
 25 or to examine his stock, he shall, for the first offence, be liable to a penalty not exceeding *ten* pounds, and for any second offence shall be liable to a penalty not exceeding *twenty* pounds.

35. Every person who shall make, repair, or sell any gun, pistol, or other fire-arms, or any part thereof, shall keep a book in which
 30 he shall enter or cause to be entered a monthly account of all such articles made, sold, or repaired by such person, and to or for whom and the respective times when the same were sold or repaired, and shall every month return a copy of such account to the chief officer of police in the district, and the chief officer
 35 of police of every district (except the police district of Dublin metropolis) shall transmit the same to the inspector general of constabulary in Ireland; and it shall be lawful for any justice of the peace, or chief officer of police, or any person duly authorized by such justice or officer, at all reasonable times, on demand, to
 40 have access to such book, to examine the same; and if any person licensed as last aforesaid, making, repairing, or selling any such article, shall not keep such book, or shall not truly enter or cause to be entered therein such account as aforesaid, or shall omit to make

[75.]

B 3

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monthly, shall render account of their stock to chief officer of police, and keep books with accounts of sales, &c., to be inspected and stock examined.

Monthly account of arms sold, &c. shall be kept.

A.D. 1870. — any such return as aforesaid, or shall not, after demand, produce such book to any person hereby or by the said persons duly authorized as aforesaid, or shall not permit such person to examine the same, he shall for the first offence be liable to a penalty not exceeding *ten* pounds, and for any second offence be liable to a 5 penalty not exceeding *twenty* pounds.

Power to apprehend Witnesses absconding.

Power of apprehending absconding witnesses.

36. Whenever any person shall be bound by recognizance to give evidence at any trial, or at the hearing of any charge, it shall be lawful for any justice, if he shall see fit, upon the application of 10 any person, and upon information being made in writing, and on oath by such person that the person so bound to give evidence is about to abscond or has absconded, in order to avoid giving such evidence, to issue his warrant for the arrest of such person so bound to give evidence, and afterwards, when such person has been 15 arrested upon being satisfied that the ends of justice would otherwise be defeated, to commit such person when so arrested to gaol until such trial or hearing, or until he shall produce another sufficient surety or other sufficient sureties, as the case may be, in like manner as before. 20

Power to Grand Jury to present Compensation in certain Cases.

Power to grand jury to present compensation to be paid in certain cases of murder or maiming.

37. Where it shall appear that any person has been murdered, maimed, or otherwise injured in his person, and that such murder, maiming, or injury is a crime of the character commonly known as agrarian, or arising out of any illegal combination or conspiracy, it 25 shall be lawful for the grand jury of the county within which such murder, maiming, or injury shall have been committed to present such sum or sums of money as they shall think just and reasonable to be paid to the personal representative of the person so murdered, or to the person so maimed or injured, having regard to the rank, 30 degree, situation, and circumstances of such person; such money to be raised off the county at large or the barony or townland in which such murder or maiming shall respectively have been perpetrated, at the discretion of such grand jury; and every such presentment shall be made in the like manner, and shall, save as is 35 by this Act expressly provided, be subject to the like conditions as any presentment made under the authority of section one hundred and six of an Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, intituled 40 "An Act to consolidate and amend the Laws relating to the presentment of public money by Grand Juries in Ireland."

38. All moneys presented under the authority of the preceding section of this Act, or of section one hundred and six of the said Act passed in the session of Parliament held in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, as compensation to witnesses, magistrates, or peace officers maimed, or to the personal representatives of such persons, where such persons have been murdered, shall be charged, apportioned, and assessed only upon the dwelling houses within the district off which the same are under the authorities aforesaid respectively to be raised or levied according to the yearly value of such dwelling houses as ascertained for the purposes of grand jury cess, and all such moneys so assessed shall be paid and payable by such occupiers as aforesaid, and shall be levied from such occupiers in the same manner and by the same means in all respects as grand jury cess is now by law levied.

A.D. 1870.

Moneys —
levied as
compensation
under
this Act or
8 & 7 W. 4.
c. 116. s. 106,
or for extra
police under
Peace Pres-
ervation
Act to be
paid by
occupiers of
houses.

All moneys directed by the Lord Lieutenant to be levied off any district under the authority of the Peace Preservation Act shall be charged only upon the dwelling houses within such district, and shall be paid by the occupiers of such dwelling houses, and shall be levied from such occupiers in the same manner and by the same means in all respects as moneys now directed to be levied under the authority of the said Act.

39. Every penalty recoverable under the provisions of this Act shall be recoverable in a summary way, with respect to the police district of Dublin metropolis subject and according to the provisions of any Act regulating the powers and duties of justices of the peace for such district or of the police of such district, and with respect to other parts of Ireland, before a justice or justices of the peace sitting in petty sessions, subject and according to the provisions of The Petty Sessions (Ireland) Act, 1851, and any Act amending the same, and shall be applied according to the provisions of The Fines Act (Ireland), 1851, or any Act amending the same.

Recovery of
penalties.

40. It is hereby declared and enacted that the parts of Acts in the schedule (B.) to this Act annexed do not and shall not apply to any information filed in Her Majesty's Court of Queen's Bench at Dublin, or to any indictment found in or removed by the writ of Certiorari into the said Court, or to the trial of any issue joined on any such information or indictment; and it is hereby declared and enacted, that the term the "court house of any county" as used in section four of The Juries Act (Ireland), 1868, does and shall, so far as relates to the county of Dublin, include the Court of Queen's Bench, or any Court within the building known as the Four Courts at Dublin.

Declaration
as to appli-
cability of
certain
enactments.

SCHEDULE (A.)

FORMS.

FORM (I.)

Summons to Witnesses.

The Queen } Petty Sessions District of 5
 v. }
 persons unknown, } County of

(1) Set out
 fully or
 summarily.

WHEREAS it appears that (1)

This is to command you to appear as a witness before me at
 on the day of
 at o'clock, then and there to be examined before me 10
 touching the premises

(Signed)

Justice of said county.

This

day of 187 .

To

of

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FORM (II.)

Warrant to search.

Petty Sessions District of
 County of

(1) Set out
 particulars.

WHEREAS it appears on the oath of A.B. of M.N. there is reason- 20
 able cause to suspect that a threatening letter or notice (2) [as the
 case may be] was written by one C.D. of
 and that there is to be found in the house or place [as the case may
 be] belonging to or under the control of the said C.D. [as the case
 may be] at (3), some document or documents in the 25
 handwriting of the said C.D.

(2) State par-
 ticulars of
 house or place.

This is therefore to authorise and require you to enter into the said house or place [as the case may be], and to search for said document or documents, and to bring the same to me or some other justice.

5 (Signed) Justice of the said county.
This day of 187 .

To
of

FORM (III.)

Conviction.

10 to wit. } Be it remembered, that on the day of
in the year of our Lord , at
in the said [county], *A.B.*, being charged before us
the undersigned of Her Majesty's justices of the peace
15 for the said [county], is convicted before us, for that [he the said
A.B., &c., stating the offence, and the time and place when and
where committed]; and we adjudge the said *A.B.* for his said
offence to be imprisoned in the [gaol] at in the
said [county], [and there be kept to hard labour] for the space

20 of
Given under our hands and seals, the day and year first above
mentioned, at in the [county] aforesaid.

J.S. (L.S.)

H.M. (L.S.)

FORM (IV.)

Certificate of Dismissal.

25 to wit. } We of Her Majesty's justices of the peace for the
[county] of certify, That on the
day of in the year of our Lord at
30 in the said [county] *A.B.* being charged before us, for that [he the
said *A.B.*, stating the offence charged, and the time and place when
and where alleged to be committed], we did, having summarily
adjudicated thereon, dismiss the said charge.

Given under our hands and seals, this day of
35 at in the [county] aforesaid.

J.S. (L.S.)

H.M. (L.S.)

FORM (V.)

Suggestion.

In the Queen's Bench

day, the day of

The Queen } It is hereby directed by the Court that the issue [or 5
 v. } issues] above joined shall be tried by a jury of the
 county of

FORM (VI.)

Warrant to search for and seize Printing Presses, Newspapers, &c.

By the Lord Lieutenant General and General Governor of 10
 Ireland.

WHEREAS a certain newspaper, to wit
 contains

This is to authorize and require you and your assistants to enter
 into (1) and to search for

and to seize and take away all

which you shall there find.

This day of

187

To

of

SCHEDULE (B.)

PART I.

ENACTMENTS referred to in Section 23 of this Act.

15 & 16 Geo. 3. (Irish), c. 21. s. 2.

60 Geo. 3. & 1 Geo. 4. c. 1. s. 1.

Principal Act (11 & 12 Vict. c. 2.), ss. 9 and 12.

Section 6 of this Act.

PART II.

PARTS of ACTS referred to in Section 40 of this Act.

3 & 4 Will. 4. c. 91. ss. 12 and 19.

16 & 17 Vict. c. 113. ss. 109, 110, 111, and 112.

(1) State name
 of newspaper.
 (2) Describe
 or state ex-
 pressly, matter,
 expression, or
 sentiments on
 account of
 which search
 or seizure
 desired, or
 cause a copy
 of newspaper
 containing
 same.
 (3) Describe
 persons
 (4) State
 articles to be
 searched for.
 (5) State
 articles to be
 seized.

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SCHEDULE (C.)

Defence in an Action under Section 30 of this Act.

A.B., Plaintiff } Court of
 C.D., Defendant } day, the day of 187 .

- 5 THE said A.B. appears and takes defence to the action of the said C.D., and says, that the acts in the summons and plaint complained of were done under and by virtue of a certain warrant under the hand of the Lord Lieutenant of Ireland, bearing date the day of , and issued under the authority of Part III. of the
- 10 Peace Preservation (Ireland) Act, 1870, in respect of a certain newspaper specified in such warrant, to wit ⁽¹⁾ and which newspaper the defendant avers contained ⁽²⁾, the particulars of which are endorsed hereon, and therefore he defends the action.

(1) State name of newspaper.
 (2) State in terms of Act the nature of the matter in respect of which warrant issued.

- 15 *Endorsement of Particulars.*

[Describe or state the engraving, matter, expressions, or inscriptions, as in Warrant.]

Definition of Threatening Letter and Threatening Notice.

- 20 The terms "threatening letter" and "threatening notice" shall respectively mean and include any letter or notice written, posted, published, circulated, sent, delivered, or uttered contrary to the provisions of any of the enactments following; that is to say,

1 & 2 Will. 4. c. 44. s. 3.

24 & 25 Vict. c. 97. s. 50.

- 25 24 & 25 Vict. c. 100. s. 16.

Peace Preservation (Ireland).

A

B I L L

To amend "The Peace Preservation
(Ireland) Act, 1856," and for other
purposes relating to the Preservation
of Peace in Ireland.

*(Prepared and brought in by
Mr. Charles Forster, Mr. Secretary Home,
and Mr. Stephen Gaselee for Ireland.)*

Ordered by The House of Commons, to be Printed,
17 March 1870.

[Bill No.]

Udder 3 02.